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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,055	06/15/2004	SCOTT HEIFERMAN	A8601	4054
28389 7590 06/08/2010 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER				
OUELLETTE, JONATHAN P				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
06/08/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,055

Applicant(s)

HEIFERMAN ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 25-27, 29, 30 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 25-27, 29, 30 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 19-24, 28, and 31-32 have been cancelled and Claims 33-35 have been added; therefore, Claims 1-18, 25-27, 29-30, and 33-35 are currently pending in application 10/710055.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claim 1-18, 25-27, 29-30, and 33-35** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (US 6,519,629 B2) in view of Wilson et al. (US 7,532,900 B2).
4. As per **independent Claims 1 and 34**, Harvey discloses a computer implemented method (system) for organizing in-person gatherings of top-related interest (Abstract), the method comprising the steps of: receiving at a server via a distributed communications network a request from an organizer to start a chapter (C4 – specific/regional community equivalent to chapter); creating at the server the chapter, wherein the chapter corresponds to a topic and geographic locale (C7-C8); receiving at the server via the distributed communications network from a plurality of users a respective same selection of the topic

from a plurality of predefined topics (C16, User registration – user fields completed); receiving at the server via the distributed communications network from the plurality of users a respective same indication of the geographic locale (C16, User registration – user fields completed); receiving at the server via the distributed communications network from a plurality of users a respective same selection of the chapter (C16, User registration – user fields completed); adding the plurality of users to the chapter as respective members (C15-17 and C22, Fields Matching).

5. While Harvey does disclose a schedule Application for scheduling appointments (C4), Harvey fails to expressly disclose receiving at the server via the distributed communications network from the organizer a selection of a date, time, and physical venue for an in-person gathering of the members of the chapter, wherein the physical venue is associated with the geographic locale; and transmitting from the server via the distributed communications network to the members data corresponding to the date, time and physical venue.
6. However, Wilson disclose a system for scheduling in-person gathering of the members (C15-C16, Event scheduled for individuals with similar interests based on geographic locale).
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included receiving at the server via the distributed communications network from the organizer a selection of a date, time, and physical venue for an in-person gathering of the members of the chapter, wherein the physical venue is associated with the geographic locale; and transmitting from the server via the

distributed communications network to the members data corresponding to the date, time and physical venue, as disclosed by Wilson, in the system disclosed by Harvey, for the advantage of providing a method of organizing in-person gatherings, with the ability to increase user satisfaction by offering tools to facilitate in-person meetings (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

8. As per Claim 2, Wilson discloses wherein the selection of the venue is based on a characteristic of the topic (C15-C16, Venue/Place based on interest – Golf Course).
9. As per Claim 3, Wilson discloses wherein the selection of the venue is based on an input from a member of the chapter (C12-C13, Place/venue determined by User).
10. As per Claim 4, Wilson discloses wherein the input comprises votes from one or more of the members of the chapter indicated as planning to attend the in-person gathering, and selecting of the venue is based on a majority of votes (C14, Coordinating venue based on multiple user data).
11. As per Claim 5, Wilson discloses when the number of votes from one or more of the members of the chapter indicated as planning to attend the gathering exceeds a venue attendance threshold, more than one venue for the gathering is automatically selected (C13-C14 – RSVP information received and incorporated into system decisions).
12. As per Claim 6, Wilson discloses wherein the input comprises a venue indication from the organizer (C12-C13, Place/venue determined by User).

13. As per Claim 7, Wilson discloses receiving attendance plan indications, from one or more of the members of the chapter, indicating a plan to attend the in-person gathering (C13-C14 – RSVP information).
14. As per Claim 8, Wilson discloses cancelling the in-person gathering when the number of received attendance plan indications does not exceed a predetermined attendance threshold (C13-C14 – RSVP information received and incorporated into system decisions – no responses to invitation).
15. As per Claim 9, Wilson discloses wherein the predetermined attendance threshold is set by the organizer (C13-C14 – User could decide how to proceed based on RSVP information – User can cancel invite at any time).
16. As per Claim 10, Wilson discloses sending a reminder to the members of the chapter after the scheduling of the in-person gathering and before the in-person gathering (C13-C14).
17. As per Claim 11, Wilson discloses wherein the reminder is sent only to one or more of the members of the chapter indicated as planning to attend the in-person gathering (C13-C14).
18. As per Claim 12, Wilson discloses sending a feedback request, related to the in-person gathering, to the members of the chapter indicated before the in-person gathering as planning to attend, after the in-person gathering (C13-C15 and C21-C22 – Friend request information based on meetings).
19. As per Claim 13, Wilson discloses wherein the feedback request is configured to obtain quantitative information regarding an actual number of attendees of the in-person gathering (C13-C14, RSVP information).

20. As per Claim 14, Wilson discloses wherein the feedback request is configured to obtain qualitative information regarding the in-person gathering (C13-C15 and C21-C22 – Friend request information based on meetings).
21. As per Claim 15, Wilson discloses providing at least one of the users with a capability to search the plurality of predetermined topics using a keyword (C13-C16).
22. As per Claim 16, Wilson discloses providing at least one of the users with a capability to display the plurality of predetermined topics in a hierarchical manner (C13-C16).
23. As per Claim 17, Wilson discloses wherein an indication of the chapter is provided to at least one of the users in response to the selection by the at least one user of the topic and the user indication of the geographic locale (C13-C16).
24. As per Claim 18, Wilson discloses wherein the at least one user receiving the indication of the chapter is indicated as one of the respective members of the chapter (C13-C16).
25. As per Claim 25, Wilson discloses accepting a request to automatically send a user a notification of the creation of a new chapter relating to the geographic locale and the topic (C13-C16).
26. As per Claim 26, Wilson discloses wherein the geographic locale comprises one of a postal code and a city name (C13-C16 and C26-C27).
27. As per Claim 27, Wilson discloses wherein the geographic locale comprises latitude and longitude related information (C13-C16 and C26-C27, GPS coordinates).
28. As per Claim 29, Wilson discloses receiving an indication from one member of the members of the chapter that the one member is a hosting member for the in-person gathering (C13-C16 – Initiating User).

29. As per new Claims 33 and 35, Wilson discloses wherein the physical venue is within the geographic locale (C13-C16 and C26-C27).

30. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey in view of Wilson, and further in view of Official Notice.

31. As per Claim 30, while Wilson does disclose a computer-assisted method for organizing in-person gatherings of top-related interest as described in Claims 1-29 of the instant invention (see rejection above), Wilson fails to expressly disclose automatically generating for the hosting member one of a sign, a banner, and a nametag for the in-person gathering.

32. However, Official notice is taken that word processing / graphic related software for developing and printing signs, banners, and name tags was well known and widely used at the time the invention was made – in particular for instances involving meetings and gatherings.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the generation of a sign, a banner, and a nametag for the in-person gathering, in the system disclosed by Wilson, in the system disclosed by Harvey, for the advantage of providing a method of organizing in-person gatherings, with the ability to increase the possibility of a successful meeting by providing visual aids to help facilitate the meeting (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

Response to Arguments

34. Applicant's arguments filed on **3/11/2010**, with respect to Claims 1-18, 25-27, 29-30, and 33-35, have been considered but moot based on the new grounds of rejection.
35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
36. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
37. The Applicant's arguments are addressed in the clarified rejection above.

Conclusion

38. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-

6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
41. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 7, 2010

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629